

ARBITRATION SUMMARY AND AWARD LOG

OCB AWARD NUMBER: 635 EX

OCB GRIEVANCE NUMBER: 1) 23-12-901011-0222-01-03
2) 27-12-900510-0176-01-03 3) 27-12-901017-0233-01-03
4) G87-2924 5) G87-1881

GRIEVANT NAME: 1) CARTER, RUBY; 2 & 3) TUTTLE, TIM
4 & 5) WILKERSON, JAMES

UNION: OCSEA/AFSCME

DEPARTMENT: 1) MENTAL HEALTH 2, 3, 4 & 5) R & C (LIMA)

ARBITRATOR: FULLMER, JERRY

MANAGEMENT ADVOCATE: 1) MAWHORR, RICK 2 & 3) VAN SICKLE, DENNIS
4 & 5) KIRSCHNER, PAUL

2ND CHAIR: KIRSCHNER, PAUL

UNION ADVOCATE: ROWLAND, ROBERT

ARBITRATION DATE: JULY 15, 1991

DECISION DATE: JULY 15, 1991

DECISION: 1) DENIED 2) DENIED 3) DENIED 4) MODIFIED
5) GRANTED

CONTRACT SECTIONS

AND/OR ISSUES: 1) 6 DAY SUSPENSION 2) 1 DAY SUSPENSION
3) 3 DAY SUSPENSION 4) 10 DAY SUSPENSION 5) 1 DAY SUSPENSION

HOLDING: 1) MITIGATING CIRCUMSTANCES INSUFFICIENT TO DETRACT
FROM JUST CAUSE; 2) INSUBORDINATION COUNT DISMISSED BUT PROFANE
LANGUAGE TO SUPV. UPHELD; 3) INSUBORDINATION; 4) JUST CAUSE FOUND
BUT DISCIPLINE NOT PROGRESSIVE, GRIEVANT TO RECEIVE 5 DAYS BACK
PAY; 5) EVIDENCE INSUFFICIENT TO ESTABLISH REFUSAL TO DO HIS WORK.
AWARDED ONE DAY BACK UP & BENEFITS.

COST: \$315.80 (\$63.16 each)

ARBITRATION
BENCH DECISION AND AWARD

Arbitrator: J. Fullmer

State of Ohio

Grievance No. 23-12-901011-0222-01-03

Department Mental Health

Grievant Ruby Carter

Union OSCEA Loc. 11

Date of Hearing 7/15/91

Issue(s): Was the 6 day suspension issued to
The grievant for just cause? If not, what shall
The remedy be?

Appearances:

For the Employer: (Advocate) Magon

For the Union: (Advocate) Rouland

AWARD: Grievance denied. Showing of
mitigation is sufficient to detract from
just cause for the six day suspension.

Issued at Lima OH
7/15
Date

J. A. Fullmer
Arbitrator's Signature

635 Ef

Arbitrator: J. Fullmer

State of Ohio (LCI) Grievance No. 27-12-(05-10-90) 01-03 0176-
Department Rehab. + Corr. Grievant Tuttle, Timothy
Union OSCEA Loc. 11 Date of Hearing 7/15/91
Issue(s): was a Day Susp. of 4/23/90 for
Just cause.

Appearances:

For the Employer: (Advocate) Van Sicke
For the Union: (Advocate) Rowland

AWARD: Sustained in part, denied in part. Rule 6
Insubordination counts dismissed. No evidence that
GA continued working on Union business on 2/10/90 after
order from supervisor.

Rule 10 count sustained on basis of admitted
"wants me up... but quit fooling with
me" statement.

A Day suspension sustained on latter
count.

Issued at Lima, OH
7/15/91
Date

J. Fullmer
Arbitrator's Signature

ARBITRATION
BENCH DECISION AND AWARD

Arbitrator: J. Fuller

State of Ohio

Grievance No. 27-12(90-10-17)
0233-01-03

Department Richardson

Grievant T. Tuttle

Union OSCEA

Date of Hearing 7/15/91

Issue(s): Was the Grievant's Three Day Suspension on 8/21/90 for just cause? If not what shall be the remedy?

Appearances:

For the Employer: (Advocate) Van Sickle

For the Union: (Advocate) Rou/ano

AWARD: Grievance denied. Issue of whether the Grievant should have had access to the sign-in sheet is not involved here. Issue is that of direct order to sign the sheet with a bona fide signature. Grievant was warned on 6/28 & 7/1 & yet did not do so on 7/2 & 7/3.

Issued at Lima OH
7/15/91
Date

J. Fuller
Arbitrator's Signature

BENCH DECISION AND AWARD

Arbitrator: Fullmer

State of Ohio

Grievance No. 6-87-2924Department Rehab & Corr.Grievant J. W. WilkinsUnion OSCEA Loc. 11Date of Hearing 7/15/91

Issue(s): Was the ten-day suspension of CO 2 James Wilkins from October 24, 1987 to November 1, 1987 for just cause? If not what should the penalty be?

Appearances:

For the Employer: (Advocate) KinschienFor the Union: (Advocate) Rumano

AWARD: Granted in part. On merits, just cause found. State act according to the applicable procedure & calculations. Arb. is not convinced that alleged errors detract from just cause.

On progression, Arb. reduces from 10 to 5 days on basis of prior arbitral elimination of 5/24/87 2 day suspension & reversion of 7/1/87 from 3 day susp. to W.R.

Remedy: Grant to receive 5 days back pay, & benefits if any.

Issued at Lima OHDate 7/15/91

J. G. Fullmer
Arbitrator's Signature

Arbitrator: Jerry Fullmer

State of Ohio

Grievance No. G 87-1881

Department

Rehab/Cons

Grievant

J. Wilkerson

Union

OSCEA Loc 11

Date of Hearing

7/15/91

Issue(s):

Was the ~~grant~~ one day suspension of CO 2 James Wilkerson on May 21, 1987 for just cause? If not, what shall be the remedy?

Appearances:

For the Employer: (Advocate)

Kraschew

For the Union:

(Advocate)

Rouland

AWARD:

Grievance sustained. In Steward/Supervisor discussions, Steward has right to opinion (right or wrong) that assignment is a contract violation. What Steward cannot do is refuse assignment based on his interpretation of contract.

Here evidence insufficient to establish refusal. Grievant headed to cafe and eventually did work in timely fashion.

Remedy: Back Pay for 1 day + benefits, if any.

Issued at

Lima, OH

Date

7/15/91

J. C. Fullmer
Arbitrator's Signature